

PATENT COOPERATION TREATY

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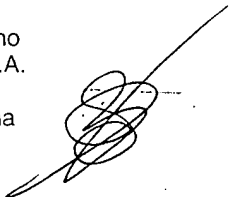
From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

To:

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Date of mailing
(day/month/year)

24.06.2004

Applicant's or agent's file reference
A3232.WO202

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/IB 03/04397

International filing date (day/month/year)
06.10.2003

Priority date (day/month/year)
08.10.2002

International Patent Classification (IPC) or both national classification and IPC
B65B3/04

Applicant

AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE A.C.M.A.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 08.02.2005

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,2,4,5
Inventive step (IS)	Claims	3,6,9-11
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents :

- D1: US-A-2 638 259 (GARRETT ROBERT W) 12 May 1953
- D2: US-A-5 713 403 (JUNG KLAUS-WERNER ET AL) 3 February 1998
- D3: GB-A-2 035 973 (BEDIN JEAN) 25 June 1980
- D4: US-B-6 334 4731 (DUMARGUE GUY) 1 January 2002

2. The document US2638259 is regarded as being the closest prior art to the subject-matter of independent claims 1 and 4 and discloses (the references in parentheses applying to this document): a method of dispensing fluid substances into containers, comprising the steps of directing a plurality of different fluid substances into a tank (17) affording respective different compartments (25a,25b,25c,25d) isolated one from another and equipped each with at least one filler valve (33a,33b,33c,33d); replenishing the compartments (25a,25b,25c,25d) of the tank (17) at least in part; and dispensing a quantity of the fluid substance from a selected compartment (25a,25b,25c,25d) of the tank (17) into a selected container by way of the at least one filler valve (33a,33b,33c,33d).

Thus D1 shows all the features of claim 1 which is therefore not new as defined in the regulations (Rule 64(1)-64(3) PCT).

2.1 A similar novelty objection against present independent claim 1 can be raised on

2.2 Documents D1-D4 further discloses the features of independent claim 4 which is therefore also not new.

3. Dependent claims 3,6,9-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see document D2 and the corresponding passages cited in the search report.

In particular D2 describes a similar apparatus where different labels can be applied to the bottles filled with a different liquid. The person skilled in the art would use different

closures for different containers in the intent of producing containers that can be distinguished one from another depending on the filled product. Therefore he would arrive to the solution of claim 3 by selecting the different closures as one of several possibilities without an inventive activity.

4. The applicant is requested to effect the amendments by filing replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

7. Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.